

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 CIAE-00 DODE-00 PM-04 H-01  
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15  
USIA-06 ACDA-07 IO-13 EB-07 /085 W  
-----061449Z 092176 /43

P R 061417Z JAN 77  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC PRIORITY 4462  
INFO USMISSION USBERLIN  
USMISSION NATO BRUSSELS  
AMEMBASSY BERLIN  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 01 OF 03 BONN 00265

E.O. 11652: GDS  
TAGS: PGOV, PFOR, WB, GE, GW  
SUBJECT: ALLIED PROTEST TO SOVIETS ON TRANSIT TRAFFIC

REFS: (A) STATE 314129 (76); (B) BONN 21601 (76);  
(C) BONN 21566 (76); (D) BONN GROUP NOTES  
DEC. 2,15 AND 21, 1976 (POUCHED TO EUR/CE AND  
USBER)

BEGIN SUMMARY: BONN GROUP HAS REACHED AD REF AGREEMENT  
ON TEXT FOR ALLIED PROTEST TO SOVIETS, TO BE DELIVERED  
IN BERLIN, CONCERNING INCIDENTS INVOLVING INTERFERENCE  
WITH TRANSIT TRAFFIC BETWEEN FRG AND BERLIN. ALL REPS  
AGREED THAT THE IMPROPER INSPECTION OF SEALED TRUCKS,  
WHICH IS ALREADY BEFORE THE FRG-GDR TRANSIT COMMISSION  
(TC), SHOULD BE PROTESTED BEFORE THE NEXT MEETING OF  
THE TC ON JANUARY 20. OPINIONS ARE DIVIDED ON WHETHER  
THE DECEMBER 22-23 SLOW-DOWN OF TRAFFIC IN CONNECTION  
WITH THE LOEWE AFFAIR SHOULD BE RAISED WITH THE SOVIETS  
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BEFORE THE FRG HAS RAISED IT IN THE TC. ACTION  
REQUESTED: APPROVAL OF DRAFT PROTEST IN PARA 11  
BELOW. END SUMMARY.

1. BONN GROUP ON JANUARY 5 REACHED AD REF AGREEMENT  
ON THE TEXT OF AN ALLIED PROTEST TO SOVIETS CONCERNING  
TWO INCIDENTS ON THE TRANSIT ROUTES:

-- THE IMPROPER INSPECTION BY GDR AUTHORITIES OF SEALED TRUCKS ENGAGED IN TRANSIT TRAFFIC. (THESE INCIDENTS, REPORTED IN REF D, OCCURRED IN JULY AND DECEMBER BUT WERE NOT BROUGHT TO ATTENTION OF ALLIES UNTIL DECEMBER, AFTER FRG HAD RAISED THEM IN THE TRANSIT COMMISSION.)

-- THE DELAY OF PRIVATE TRAVELERS ON THE TRANSIT ROUTES ON THE NIGHT OF DECEMBER 22, IN CONNECTION WITH THE EXPELSION OF FRG CORRESPONDENT LOEWE FROM EAST BERLIN (REFS A, B, AND C).

2. ALL REPS AGREED ON DESIRABILITY OF ALLIED PROTEST AND DISCUSSION FOCUSED PRIMARILY ON TIMING. FRENCH REP (DE BOISSIEU) INQUIRED WHETHER FRG PLANNED TO RAISE THE LOEWE INCIDENT AT THE TRANSIT COMMISSION MEETING SCHEDULED FOR JANUARY 20. HE UNDERSTOOD THAT THE TRUCK INSPECTIONS, WHICH THE FRG HAD ALREADY RAISED IN THE TC OF NOVEMBER 25, WOULD BE CONSIDERED THEN. HOWEVER, IF THE LOEWE-RELATED INCIDENT WAS NOT TO BE TAKEN UP AT THAT MEETING, IT WOULD BE DIFFICULT FOR THE ALLIES TO RAISE IT BEFOREHAND WITH THE SOVIETS.

3. FRG REP (VON ARNIM) REPORTED THAT BOTH INCIDENTS WOULD BE CONSIDERED AT THE JANUARY 20 TC MEETING.

4. UK REP (HITCH) COMMENTED THAT HE HAD NO STRONG FEELINGS ON THE MATTER BUT THOUGHT IT PERHAPS PREFER-CONFIDENTIAL

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ABLE FOR THE ALLIES TO PROTEST THE TRUCK INCIDENTS NOW AS THEY WERE ALREADY UNDER CONSIDERATION IN THE TC AND THEN PROTEST THE LOEWE-RELATED INCIDENT AFTER THE JANUARY 20 TC MEETING.

5. US REP EXPRESSED THE VIEW THAT IT WOULD BE PREFERABLE TO PROTEST BOTH INCIDENTS AT THE SAME TIME, AND BEFORE JANUARY 20.

6. FRG REP (LUECKING) STRONGLY CONCURRED. ALTHOUGH HE ACCEPTED THE ARGUMENT THAT GENERALLY THE TC FORUM SHOULD BE USED BEFORE THE ALLIES TOOK TRANSIT MATTERS UP WITH THE SOVIETS, IN THIS CASE THERE WERE SPECIAL CIRCUMSTANCES. WHEN THE FRG HAD PROTESTED INSPECTION OF THE TWO TRUCKS IN THE NOVEMBER 25 TC MEETING, THE GDR HAD JUSTIFIED THE BREAKING OF THE SEALS ON THE TRUCKS BY CLAIMING THAT IT WAS NECESSARY TO DO SO TO BE SURE THE TRUCKS WERE NOT BEING USED FOR EXFILTRATION.

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P R 061417Z JAN 77  
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C O N F I D E N T I A L SECTION 02 OF 03 BONN 00265

THIS WOULD IMPLY THAT ARTICLE 16 OF THE TRANSIT  
TRAFFIC AGREEMENT (TTA), CONCERNING MISUSE OF THE  
TRANSIT ROUTES, APPLIED TO SEALED TRUCKS. IN THE  
JANUARY 20 TC MEETING THE FRG WILL ASSERT THAT ARTICLE  
16 DOES NOT APPLY, BUT THE HEAD OF THE FRG DELEGATION  
(WULF) FEARS THAT THE GDR WILL REPEAT THAT VERY  
DANGEROUS ARGUMENT. AN ALLIED WORD TO THE SOVIETS  
BEFORE THE MEETING MIGHT FORESTALL A REPETITION OF THE  
GDR CLAIM.

7. ONE POSSIBILITY DISCUSSED WAS FOR THE ALLIES TO  
PROCEED NOW WITH A PROTEST ON THE TRUCK INCIDENT BUT  
TO WAIT UNTIL AFTER JANUARY 20 TO PROTEST THE  
DECEMBER 22 HARASSMENT OF TRAVELERS. U.S. REP  
COMMENTED, HOWEVER, THAT THE PROVISIONS IN THE TTA  
FOR DISCUSSION OF TRANSIT INCIDENTS IN THE TC DID NOT  
PRECLUDE EARLIER ACTION BY THE ALLIES IF THERE WAS  
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ALSO A VIOLATION OF THE QA. DUISBERG (FRG) ADDED THAT IT MIGHT SEEM ODD IF THE ALLIES WERE TALKING TO THE SOVIETS ABOUT TRANSIT PROBLEMS AND DID NOT MAKE MENTION OF THE DECEMBER 22 INCIDENT.

8. THE DRAFT PROTEST AS AGREED AD REF THUS MAKES REFERENCE TO BOTH INCIDENTS. THE TEXT WAS ACCEPTED BY THE UK AND FRENCH REPS, HOWEVER, ON THE BASIS THAT THEY WOULD SIMPLY REFER TO CAPITALS THE QUESTION OF WHETHER THE DECEMBER 22 INCIDENT SHOULD BE INCLUDED IN THIS PROTEST OR SHOULD BE TAKEN UP WITH THE SOVIETS ONLY AFTER THE FRG HAD RAISED IT WITH THE GDR.

9. WITH REGARD TO THE FINAL SENTENCE OF THE U.S. DRAFT PROTEST, HITCH FELT THAT THE TONE WAS RATHER MILD. HE SUGGESTED THAT IT BE STRENGTHENED TO BE BROUGHT MORE IN LINE WITH THE OTHER ALLIED STATEMENTS PRESENTLY UNDER CONSIDERATION, ON BERLIN-EC MATTERS AND ON RECENT GDR ACTIONS IN EAST BERLIN. HE ALSO SUGGESTED REFERRING IN THE NEW TRANSIT PROTEST TO THE AUGUST PROTEST ON THE STERNFAHRT INCIDENT.

10. ASKED FOR GERMAN VIEWS, LUECKING RESPONDED THAT THE "MILD" TONE OF THE DRAFT WAS ACCEPTABLE TO THE FRG. TIMING WAS A MORE IMPORTANT ELEMENT FOR THE GERMANS, WHO BASICALLY HOPED THAT SOMETHING COULD BE SAID TO THE SOVIETS BEFORE THE JANUARY 20 TC MEETING.

11. FOLLOWING IS THE DRAFT PROTEST AS AGREED AD REF (SUBJECT TO UK AND FRENCH RESERVATIONS WITH REGARD TO INCLUSION OF THE DECEMBER 22 INCIDENT AT THIS TIME):

BEGIN TEXT

ON BEHALF OF THE GOVERNMENTS OF THE UNITED STATES,  
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FRANCE, AND THE UNITED KINGDOM, I WOULD LIKE TO DRAW THE ATTENTION OF THE SOVIET GOVERNMENT TO CERTAIN ACTIONS BY GDR AUTHORITIES WHICH IMPEDED TRANSIT TRAFFIC OF CIVILIAN PERSONS AND GOODS BETWEEN THE WESTERN SECTORS OF BERLIN AND THE FEDERAL REPUBLIC OF GERMANY.

-- ON JULY 15 AND SEPTEMBER 11, 1976, GDR AUTHORITIES AT HIRSHBERG AND MARNBORN RESPECTIVELY BROKE THE SEALS AND SEARCHED TWO TRUCKS USING THE TRANSIT ROUTES. THESE ACTIONS WERE IN VIOLATION OF THE PROVISION OF

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USIA-06 ACDA-07 IO-13 EB-07 /085 W  
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P R 061417Z JAN 77  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC PRIORITY 4464  
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C O N F I D E N T I A L SECTION 03 OF 03 BONN 00265

PARAGRAPH 2(A) OF ANNEX I OF THE QUADRIPARTITE AGREE-  
MENT OF SEPTEMBER 3, 1971, WHICH STATES THAT  
"CONVEYANCES SEALED BEFORE DEPARTURE MAY BE USED FOR  
THE TRANSPORT OF CIVILIAN GOODS BY ROAD, RAIL AND WATER-  
WAYS BETWEEN THE WESTERN SECTORS OF BERLIN AND THE  
FEDERAL REPUBLIC OF GERMANY. INSPECTION PROCEDURES  
WILL BE LIMITED TO THE INSPECTION OF SEALS AND  
ACCOMPANYING DOCUMENTS."

-- ON THE NIGHT OF DECEMBER 22-23, 1976, FOR A PERIOD  
OF APPROXIMATELY THREE HOURS, GDR AUTHORITIES DELAYED  
TRANSIT TRAFFIC TO AND FROM BERLIN AT THE STAAKEN AND  
HORST CHECK POINTS IN VIOLATION OF PARAGRAPH 2(D) OF  
ANNEX I OF THE QA WHICH STATES INTER ALIA THAT  
"PROCEDURES APPLIED FOR SUCH TRAVELLERS SHALL NOT  
INVOLVE DELAY."

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THE THREE POWERS RECALL THE OBLIGATION UNDERTAKEN BY THE SOVIET GOVERNMENT IN THE QA THAT TRANSIT TRAFFIC BY ROAD, RAIL AND WATERWAYS THROUGH THE TERRITORY OF THE GERMAN DEMOCRATIC REPUBLIC OF CIVILIAN PERSONS AND GOODS BETWEEN THE WESTERN SECTORS OF BERLIN AND THE FEDERAL REPUBLIC OF GERMANY WILL BE UNIMPEDED. THEY CALL UPON THE SOVIET AUTHORITIES TO TAKE THE NECESSARY MEASURES TO AVOID SUCH VIOLATIONS OF THE QA IN THE FUTURE.

END TEXT.

12. ACTION REQUESTED: APPROVAL OF THE TEXT AND AUTHORIZATION FOR USBER TO COORDINATE WITH UK AND FRENCH MISSIONS FOR DELIVERY BY THE CHAIRMAN POLAD IN BERLIN BEFORE JANUARY 20.  
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## Message Attributes

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**Type:** TE  
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